

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
MARTINSBURG**

**UNITED STATES OF AMERICA,**

Plaintiff,

**v.**

**Criminal Action No. 3:11-CR-54-02  
(BAILEY)**

**JOSEPHINE ARTILLAGA ADAMS,**

Defendant.

**ORDER**

Upon a review of the docket in the above-styled criminal action, it has come to this Court's attention that separate trials for each defendant is necessary to prevent prejudice to Defendant Josephine Adams' right to a speedy trial. Under Criminal Action No. 3:08-CR-77-02, the parties' trials were severed on July 29, 2011. This was done to protect Ms. Adams' right to a speedy trial because Defendant Barton Adams had been determined to be incompetent to stand trial. These concerns are still present in this related criminal action.

Pursuant to Rule 14(a) of the Federal Rules of Criminal Procedure, this Court may order separate trials for defendants if the joinder of offenses in an indictment or a consolidation for trial appears to prejudice a defendant or the Government. Although a joint trial would not necessarily compromise a specific trial right of either defendant, this Court finds that given the uncertainty of a trial date for Defendant Barton Adams it would be unfair to require Ms. Adams to wait. This Court notes that it considered judicial economy, the

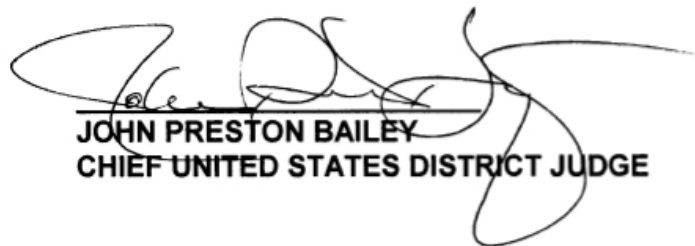
inconvenience to the Government in having to potentially try the above-styled case twice, and the burden that will be placed on witnesses and victims should a trial be required for each defendant. This Court finds however, that all those considerations are outweighed by Ms. Adams' right to a speedy trial. Accordingly, the Court **ORDERS** that Defendant Josephine Adams' trial be **SEVERED** from that of her co-defendant Barton Adams.

The Court further **ORDERS** that this criminal action against Ms. Adams be set for trial on November 14, 2011, at 8:30 a.m., and the **pretrial conference** on November 7, 2011, at 10:00 a.m.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to all counsel of record herein.

**DATED:** September 16, 2011.



JOHN PRESTON BAILEY  
CHIEF UNITED STATES DISTRICT JUDGE